

Pascrell	Sandlin	Tancredo
Pease	Sanford	Tauzin
Peterson (MN)	Saxton	Taylor (MS)
Peterson (PA)	Scarborough	Taylor (NC)
Phelps	Schaffer	Terry
Pickering	Sensenbrenner	Thomas
Pickett	Sessions	Thompson (MS)
Pitts	Shaw	Thornberry
Pombo	Sherman	Thune
Pomeroy	Sherwood	Thurman
Portman	Shimkus	Tiaht
Pryce (OH)	Shows	Toomey
Quinn	Shuster	Trafigant
Radanovich	Simpson	Turner
Rahall	Sisisky	Upton
Ramstad	Skeen	Vitter
Regula	Skelton	Walden
Reyes	Smith (MI)	Walsh
Reynolds	Smith (NJ)	Wamp
Riley	Smith (TX)	Watkins
Rodriguez	Smith (WA)	Watts (OK)
Roemer	Souder	Weldon (FL)
Rogan	Spence	Weldon (PA)
Rogers	Spratt	Weller
Rohrabacher	Stabenow	Whitfield
Ros-Lehtinen	Stearns	Wicker
Rothman	Stenholm	Wilson
Roukema	Strickland	Wise
Royce	Stump	Wolf
Ryan (WI)	Stupak	Wynn
Ryun (KS)	Sununu	Young (AK)
Salmon	Sweeney	Young (FL)
Sanchez	Talent	

## NOES—124

Abercrombie	Hinchey	Olver
Ackerman	Hoeffel	Owens
Allen	Hoekstra	Pastor
Baldwin	Holt	Paul
Barrett (WI)	Hooley	Payne
Becerra	Hoyer	Pelosi
Berman	Inslee	Petri
Blumenauer	Jackson (IL)	Porter
Bonior	Jackson-Lee	Price (NC)
Borski	(TX)	Rangel
Boucher	Johnson, E. B.	Rivers
Brady (PA)	Jones (OH)	Roybal-Allard
Capuano	Kennedy	Rush
Cardin	Kilpatrick	Sabo
Carson	Kind (WI)	Sanders
Clay	Klecza	Sawyer
Clayton	Klink	Schakowsky
Conyers	Kolbe	Scott
Coyne	LaFalce	Serrano
Cummings	Leach	Shadegg
Davis (IL)	Lee	Shays
DeFazio	Levin	Slaughter
DeGette	Lewis (GA)	Snyder
DeLauro	Lofgren	Stark
Dicks	Lowe	Tanner
Dingell	Maloney (NY)	Tauscher
Dixon	Markey	Thompson (CA)
Doggett	Matsui	Tierney
Ehlers	McCarthy (MO)	Udall (CO)
Engel	McDermott	Udall (NM)
Eshoo	McKinney	Velazquez
Evans	Meehan	Vento
Farr	Meek (FL)	Visclosky
Fattah	Meeks (NY)	Waters
Filner	Miller, George	Watt (NC)
Frank (MA)	Minge	Waxman
Gejdenson	Mink	Weiner
Gonzalez	Moore	Wexler
Greenwood	Moran (VA)	Weygand
Hall (OH)	Nadler	Woolsey
Hastings (FL)	Oberstar	Wu
Hill (IN)	Obey	

## NOT VOTING—5

Brown (CA)	Millender-
Gilchrest	McDonald
Kasich	Towns

So, two-thirds of the Members present having voted in favor thereof, said joint resolution was passed.

A motion to reconsider the vote whereby said joint resolution was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said joint resolution.

## 70.7 YEAR 2000 READINESS AND RESPONSIBILITY

On motion of Mr. GOODLATTE, by unanimous consent, the bill (H.R. 775) to establish certain procedures for civil actions brought for damages relating to the failure of any device or system to process or otherwise deal with the transition from the year 1999 to the year 2000, and for other purposes; together with the amendment of the Senate thereto, was taken from the Speaker's table.

When on motion of Mr. GOODLATTE, it was,

*Resolved*, That the House disagree to the amendment of the Senate and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

*Ordered*, That the Clerk notify the Senate thereof.

## 70.8 MOTION TO INSTRUCT CONFEREES—H.R. 775

Mr. CONYERS moved that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on H.R. 775 be instructed to ensure, within the scope of conference, that their eventual report to the House reflects due regard for the substantive concerns of the high-technology community and the possible implications of the “Y2K” date change on that community and on the Nation's economy; the substantive inputs of the Administration and of the bipartisan Leaderships in the Congress on the issues committed to conference; and the sense of the House that a decision not to follow this process will lead to a failure to enact legislation.

After debate,

By unanimous consent, the previous question was ordered on the motion to instruct the managers on the part of the House.

The question being put, viva voce,

Will the House agree to said motion to instruct?

The SPEAKER pro tempore, Mr. PEASE, announced that the yeas had it.

Mr. CONYERS objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 6, rule XX, and the call was taken by electronic device.

When there appeared { Yeas ..... 426  
Nays ..... 0

## 70.9

[Roll No. 253]

## YEAS—426

Abercrombie	Barrett (NE)	Bishop
Ackerman	Barrett (WI)	Blagojevich
Aderholt	Bartlett	Bliley
Allen	Barton	Blumenauer
Andrews	Bass	Blunt
Archer	Bateman	Boehlert
Armey	Becerra	Boehner
Bachus	Bentsen	Bonilla
Baird	Bereuter	Bonior
Baker	Berkley	Bono
Baldacci	Berman	Borski
Baldwin	Berry	Boswell
Ballenger	Biggert	Boucher
Barcia	Billbray	Boyd
Barr	Bilirakis	Brady (PA)
Brady (TX)		
Brown (FL)		
Brown (OH)		
Bryant		
Burr		
Burton		
Buyer		
Callahan		
Calvert		
Camp		
Campbell		
Canady		
Cannon		
Capps		
Capuano		
Cardin		
Carson		
Castle		
Chabot		
Chambliss		
Chenoweth		
Clay		
Clayton		
Clyburn		
Coble		
Coburn		
Collins		
Combest		
Condit		
Conyers		
Cook		
Cooksey		
Costello		
Cox		
Coyne		
Cramer		
Crane		
Crowley		
Cubin		
Cummings		
Cunningham		
Danner		
Davis (FL)		
Davis (IL)		
Davis (VA)		
Deal		
DeFazio		
DeGette		
Delahunt		
DeLauro		
DeMint		
Deutsch		
Diaz-Balart		
Dickey		
Dicks		
Dingell		
Dixon		
Doggett		
Dooley		
Doolittle		
Doyle		
Dreier		
Duncan		
Dunn		
Edwards		
Ehlers		
Emerson		
Engel		
English		
Eshoo		
Etheridge		
Evans		
Everett		
Ewing		
Farr		
Fattah		
Filner		
Fletcher		
Foley		
Forbes		
Ford		
Fossella		
Fowler		
Frank (MA)		
Franks (NJ)		
Frelinghuysen		
Frost		
Galleghy		
Ganske		
Gedden		
Gekas		
Gephardt		
Gibbons		
Gillmor		
Gilman		
Gonzalez		
Goode		
Goodlatte		
Goodling		
Gordon		
Goss		
Graham		
Granger		
Green (TX)		
Green (WI)		
Greenwood		
Gutierrez		
Gutknecht		
Hall (OH)		
Hall (TX)		
Hansen		
Hastings (FL)		
Hastings (WA)		
Hayes		
Hayworth		
Hefley		
Herger		
Hill (IN)		
Hill (MT)		
Hilleary		
Hilliard		
Hinchey		
Hinojosa		
Hobson		
Hoeffel		
Hoekstra		
Holden		
Holt		
Hooley		
Horn		
Hostettler		
Houghton		
Hoyer		
Hulshof		
Hunter		
Hutchinson		
Hyde		
Inslee		
Isakson		
Istook		
Jackson (IL)		
Jackson-Lee		
(TX)		
Jefferson		
Jenkins		
John		
Johnson (CT)		
Johnson, E. B.		
Johnson, Sam		
Jones (NC)		
Jones (OH)		
Kanjorski		
Kaptur		
Kelly		
Kennedy		
Kildee		
Kilpatrick		
Kind (WI)		
King (NY)		
Kingston		
Klecza		
Klink		
Knollenberg		
Kolbe		
Kucinich		
Kuykendall		
LaFalce		
LaHood		
Lampson		
Lantos		
Largent		
Larson		
Latham		
LaTourette		
Lazio		
Leach		
Lee		
Levin		
Lewis (CA)		
Lewis (GA)		
Lewis (KY)		
Linder		
Lipinski		
LoBiondo		
Lofgren		
Lowe		
Lucas (KY)		
Lucas (OK)		
Luther		
Maloney (CT)		
Maloney (NY)		
Manzullo		
Markey		
Martinez		
Mascara		
Matsui		
McCarthy (MO)		
McCarthy (NY)		
McCollum		
McCrery		
McDermott		
McGovern		
McHugh		
McInnis		
McIntosh		
McIntyre		
McKeon		
McKinney		
McNulty		
Meehan		
Meek (FL)		
Meeks (NY)		
Menendez		
Metcalf		
Mica		
Millender-		
McDonald		
Miller (FL)		
Miller, Gary		
Miller, George		
Minge		
Mink		
Moakley		
Mollohan		
Moore		
Moran (KS)		
Moran (VA)		
Morella		
Murtha		
Myrick		
Nadler		
Napolitano		
Neal		
Nethercutt		
Ney		
Northup		
Norwood		
Nussle		
Oberstar		
Obey		
Olver		
Ortiz		
Ose		
Owens		
Oxley		
Packard		
Pallone		
Pascrell		
Pastor		
Paul		
Payne		
Pease		
Pelosi		
Peterson (MN)		
Peterson (PA)		
Petri		
Phelps		
Pickering		
Pickett		
Pitts		
Pombo		
Pomeroy		
Porter		
Portman		
Price (NC)		
Pryce (OH)		
Quinn		
Radanovich		
Rahall		
Ramstad		
Rangel		
Regula		
Reyes		
Reynolds		
Riley		
Rivers		
Rodriguez		
Roemer		
Rogers		
Rohrabacher		
Ros-Lehtinen		
Rothman		
Roukema		
Roybal-Allard		
Royce		
Rush		
Ryan (WI)		
Ryun (KS)		
Sabo		
Salmon		
Sanchez		
Sanders		
Sandlin		
Sanford		
Sawyer		
Saxton		
Scarborough		
Schaffer		
Schakowsky		
Scott		

Sensenbrenner	Strickland	Vento
Serrano	Stump	Visclosky
Sessions	Stupak	Vitter
Shadegg	Sununu	Walden
Shaw	Sweeney	Walsh
Shays	Talent	Wamp
Sherman	Tancredo	Waters
Sherwood	Tanner	Watkins
Shimkus	Tauscher	Watt (NC)
Shows	Tauzin	Watts (OK)
Shuster	Taylor (MS)	Waxman
Simpson	Taylor (NC)	Weiner
Sisisky	Terry	Weldon (FL)
Skeen	Thomas	Weldon (PA)
Skelton	Thompson (CA)	Weller
Slaughter	Thompson (MS)	Wexler
Smith (MI)	Thornberry	Weygand
Smith (NJ)	Thune	Whitfield
Smith (TX)	Thurman	Wicker
Smith (WA)	Tiahrt	Wilson
Snyder	Tierney	Wise
Souder	Toomey	Wolf
Spence	Trafficant	Woolsey
Spratt	Turner	Wu
Stabenow	Udall (CO)	Wynn
Stark	Udall (NM)	Young (AK)
Stearns	Upton	Young (FL)
Stenholm	Velazquez	

## NOT VOTING—8

Brown (CA)	Ehrlich	Rogan
Clement	Gilchrest	Towns
DeLay	Kasich	

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

#### ¶70.10 APPOINTMENT OF CONFEREES— H.R. 775

Thereupon, the SPEAKER pro tempore, Mr. PEASE, by unanimous consent, appointed the following Members as managers on the part of the House at said conference:

From the Committee on the Judiciary, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. HYDE, SENSENBRENNER, GOODLATTE, CONYERS, and Ms. LOFGREN.

From the Committee on Commerce, for consideration of section 18 of the Senate amendment, and modifications committed to conference:

Messrs. BILEY, OXLEY, and DINGELL.

*Ordered*, That the Clerk notify the Senate of the foregoing appointments.

#### ¶70.11 PROVIDING FOR THE CONSIDERATION OF H.R. 1658

Ms. PRYCE of Ohio, by direction of the Committee on Rules, called up the following resolution (H. Res. 216):

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1658) to provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amend-

ment in the nature of a substitute consisting of the bill modified by the amendment recommended by the Committee on the Judiciary now printed in the bill. Each section of that amendment in the nature of a substitute shall be considered as read. Before consideration of any other amendment it shall be in order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution, which may be offered only by Representative Hyde or his designee, may amend portions of the bill not yet read for amendment, and shall be considered as read. No further amendment to the amendment in the nature of a substitute made in order as original text shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered. After debate,

On motion of Ms. PRYCE of Ohio, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

#### ¶70.12 CIVIL ASSET FORFEITURE

The SPEAKER pro tempore, Mr. PEASE, pursuant to House Resolution 216 and rule XVIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1658) to provide a more just and uniform procedure for Federal civil forfeitures, and for other purposes.

The SPEAKER pro tempore, Mr. PEASE, by unanimous consent, designated Mr. LAHOOD as Chairman of the Committee of the Whole; and after some time spent therein,

The Committee rose informally to receive a message from the President.

The SPEAKER pro tempore, Mr. BRYANT, assumed the Chair.

#### ¶70.13 MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr.

Sherman Williams, one of his secretaries.

The Committee resumed its sitting; and after some further time spent therein,

#### ¶70.14 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute submitted by Mr. HUTCHINSON:

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Civil Asset Forfeiture Reform Act”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title and table of contents.
- Sec. 2. Creation of general rules relating to civil forfeiture proceedings.
- Sec. 3. Compensation for damage to seized property.
- Sec. 4. Prejudgment and postjudgment interest.
- Sec. 5. Applicability.

#### SEC. 2. CREATION OF GENERAL RULES RELATING TO CIVIL FORFEITURE PROCEEDINGS.

(a) IN GENERAL.—Chapter 46 of title 18, United States Code, is amended by inserting the following new section after section 982:

##### “§ 983. Civil forfeiture procedures

“(a) ADMINISTRATIVE FORFEITURES.—(1)(A) In any nonjudicial civil forfeiture proceeding under a civil forfeiture statute, with respect to which the agency conducting a seizure of property must send written notice of the seizure under section 607(a) of the Tariff Act of 1930 (19 U.S.C. 1607(a)), such notice together with information on the applicable procedures shall be sent not later than 60 days after the seizure to each party known to the seizing agency at the time of the seizure to have an ownership or possessory interest, including a lienholder's interest, in the seized article. If a party's identity or interest is not determined until after the seizure but is determined before a declaration of forfeiture is entered, such written notice and information shall be sent to such interested party not later than 60 days after the seizing agency's determination of the identity of the party or the party's interest.

“(B) If the Government does not provide notice of a seizure of property in accordance with subparagraph (A), it shall return the property pending the giving of such notice.

“(2) The Government may apply to a Federal magistrate judge (as defined in the Federal Rules of Criminal Procedure) in any district where venue for a forfeiture action would lie under section 1355(b) of title 28 for an extension of time in which to comply with paragraph (1)(A). Such an extension shall be granted based on a showing of good cause.

“(3) A person with an ownership or possessory interest in the seized article who failed to file a claim within the time period prescribed in subsection (b) may, on motion made not later than 2 years after the date of final publication of notice of seizure of the property, move to set aside a declaration of forfeiture entered pursuant to section 609 of the Tariff Act of 1930 (19 U.S.C. 1609). Such motion shall be granted if—

“(A) the Government failed to take reasonable steps to provide the claimant with notice of the forfeiture; and

“(B) the person otherwise had no actual notice of the seizure within sufficient time to enable the person to file a timely claim under subsection (b).